

## **SECTION I. PART A OF THE SUPPORTING STATEMENT**

### **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

#### **(a) TITLE OF THE INFORMATION COLLECTION**

Information Requirements for Importation of Nonconforming Marine Engines, OMB #2060-0320

#### **(b) SHORT CHARACTERIZATION (ABSTRACT)**

The Clean Air Act requires that motor vehicles and motor vehicle engines imported into the U.S. conform with applicable emission requirements. The Clean Air Act Amendments of 1990 extended these requirements to nonroad engines. This Information Collection Request (ICR) includes outboard marine engines, personal watercraft, and non-propulsion compression ignition engines used in marine applications (all referred to as marine engines).

The Outreach and Planning Group (OPG) in the Office of Air and Radiation collects information and requires some recordkeeping to help ensure that nonconforming engines are brought into compliance with Federal emission requirements, unless eligible for exemption or exclusion. Also, the information is used by the U.S. Customs Service (Customs), State regulatory agencies, businesses, and individuals to verify whether or not engines are in compliance.

Information collected includes vehicle identification data and U.S. Customs entry statements that such information is correct. The information is either stored in a computer database, or retained in document form. The information is used to monitor compliance of imports and respond to inquiries from the public concerning the compliance status of specific imported engines.

a) EPA Form 3520-28. This form is used by importers who are applying for entry of marine engines. A simplified variant of this form, 3520-28a, may be completed by individuals importing outboard engines or personal watercraft for their own use. Form 3520-28 is a new form created to facilitate the collection of information that was originally included in form 3520-21, which is approved under OMB #2060-0294.

b) EPA Form 3520-14. This form is used by importers wishing to make application to EPA for prior written approval in order to obtain an exemption or exclusion from bringing engines into compliance with Federal emission standards. This form was designed by EPA to give importers a guide as to what information they should submit and what exemption or exclusion they might be eligible for. Form 3520-14 is also approved under OMB #2060-0095 and 2060-0294.

The information collection will involve 1,000 respondents at a cost of \$77,500 dollars.

### **2. NEED FOR AND USE OF THE COLLECTION**

(a) NEED/AUTHORITY FOR THE COLLECTION

Joint EPA and Customs regulations at 40 CFR 91.701 et seq. and 19 CFR 12.74 promulgated under the authority under the Clean Air Act (Sections 203, 208 and 213) give authority for the collection of information. The collection of this information helps ensure the compliance of nonconforming engines with Federal emissions requirements which helps meet the Agency goal of reducing air pollution. Without this information, EPA could not confirm that engines being entered conform to the emission requirements and consequently, would not be able to allow entry of these engines.

(b) USE/USERS OF THE DATA

The Outreach and Planning Group (OPG) receives the information either directly from the importers or indirectly from the importers through Customs. The information is used by Agency enforcement personnel to verify that all Federal emission requirements concerning imported nonconforming engines are met. The information is also used to identify and prosecute violators of the regulations and to monitor the program in achieving the objectives of the regulations.

**3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

(a) NONDUPLICATION

A search of the Government Information Locator System (GILS) found no other program or agency collecting this information. Because much of the information is so highly specific to the EPA Imports Program, the information would not be duplicated by other programs.

(b) PUBLIC NOTICE

A Federal Register notice has been published, soliciting public comment for this ICR.

(c) CONSULTATIONS

Consultations were made with engine manufacturers to discuss form revisions and to obtain accurate burden and cost estimates. The following manufacturers provided estimates:

Mercury Marine.  
Rep: Susan Bucheger  
Phone: (920) 929-4978

Yamaha Motor Corporation, U.S.A.

Rep: Thomas Pugh  
Phone: (714) 761-7807

And the format and content of form 3520-28 was extensively discussed with the following industry representative.

Dawn Friest  
Engine Manufacturers Association  
Two North LaSalle Street  
Chicago, IL 60602  
Phone: (312) 827-8700

(d) EFFECTS OF LESS FREQUENT COLLECTION

Since reporting is done only at the time of entry and compliance, the effects of less frequent collection would be to seriously undermine the Agency's ability to whether engines being imported meet applicable emission requirements. Consequently, the Agency would not be able to allow entry of engines being imported. Therefore, less frequent collection is not feasible.

(e) GENERAL GUIDELINES

This ICR complies with all of OMB's guidelines, except that importers will be required to notify EPA when importing marine engines and this may for some importers result in reporting more often than quarterly. Because such reports are necessary to verify compliance with federal emission requirements at the time of entry, if EPA limited required reports to quarterly, either importers would only be able to import on a quarterly basis, or EPA would have to forego verification of compliance.

(f) CONFIDENTIALITY

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information (see CFR 2). The public is not permitted access to information containing personal or organizational identifiers. This collection complies with the Privacy Act of 1974 and OMB Circular A-130.

(g) SENSITIVE QUESTIONS

There are no sensitive questions asked.

**4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

(a) RESPONDENTS/SIC CODES

The Outreach and Planning Group (OPG) collects information from individual importers and both small and large companies who import, or import and manufacture marine engines. The SIC codes for the respondents are 3731, 3732, 3799, 5088, and 5551.

(b) INFORMATION REQUESTED

(i) Data Items

The data requested in reports include:

- engine identification number
- engine make
- engine model
- model year of the engine
- port of entry
- date of entry
- entry number
- importer name, address and telephone number
- owner name, address, telephone number and SSN or EIN
- justification for an exclusion or exemption, if applicable

(ii) Respondent Activities

To complete the collection, the respondent would:

- read form instructions
- collect data and complete forms

INFORMATION REQUIREMENTS FOR

IMPORTATION OF NONCONFORMING MARINE ENGINES

40 CFR PART 91 SUBPART H

INFORMATION REQUIREMENTS

CITATION

Notification of Conditional Admission	91.703 (b)
Request for Prior Approval	91.704

INFORMATION REQUIREMENTS FOR  
IMPORTATION OF NONCONFORMING NON-PROPULSION CI ENGINES  
40 CFR PART 89 SUBPART G

<u>INFORMATION REQUIREMENTS</u>	<u>CITATION</u>
Notification of Conditional Admission	89.604(a)
Request for Prior Approval	89.611

**5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

**(a) AGENCY ACTIVITIES**

OPG receives the information as required from Customs, individuals and businesses. After receiving the information, EPA uses the information to determine whether engines meet EPA requirements and retains the information in order to respond to public, State government, and Federal government inquiries.

**(b) COLLECTION METHODOLOGY AND MANAGEMENT**

Both Customs and OPG use the information to determine if engines meet EPA requirements. OPG retains the information in a computer database or document form in order to respond to public, State government, and Federal government inquiries, which are handled by OPG staff.

**(c) SMALL ENTITY FLEXIBILITY**

Small entities which are required to submit certain information to EPA have been providing information to EPA by completing and submitting EPA forms. EPA endeavors to the maximum extent feasible, to allow small entities to submit the data electronically.

**(d) COLLECTION SCHEDULE**

The information is not subject to a collection schedule, but is collected at the time of engine entry.

## 6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

### 6(a) ESTIMATING RESPONDENT BURDEN

#### Marine engines

##### Reporting Burden

	Burden Est.	Est. # of	Est. of	forms/yr	Burden (hrs)
a) Form 3520-28/28a	.5	3,000	1,500		
c) Form 3520-14	.5	100	50		
			<hr/> 1,550		

Reporting burden is based on consultations with nonroad manufacturers. Reporting for form 3520-28 is ordinarily accomplished through purchase of services from a broker who completes a package of importation forms (including those of other agencies) and files them with Customs. The stated reporting burden incorporates a negligible recordkeeping burden for broker form retention indistinguishable from overall broker activities. Total annual burden for this collection is estimated at 1,550 hours.

### 6(b) ESTIMATING RESPONDENT COST

#### Marine engines

		Costs:			
Estimated	Capital/	Units	Labor	Start-up	O&M
Reporting	3,100 forms @\$25 per form		\$77,500		

#### (i) Labor Costs

Forms are ordinarily submitted through purchase of services from brokers who complete forms and file them with Customs. Estimated labor costs for this ICR are therefore zero.

#### (ii) Capital/Start-up Costs

Forms are ordinarily submitted through purchase of services from brokers who complete forms and file them with Customs. Estimated capital/start-up costs for this ICR are therefore zero.

#### (iii) Operations and Maintenance Costs

Operations and maintenance costs were calculated based on an average of responses received from the nonroad manufacturers contacted. The operations and maintenance cost for reporting ordinarily involves a purchase of services from brokers who complete a package of importation forms (including those of other agencies) and file them with Customs. This cost is estimated as a component of overall broker activities to import an engine, and incorporates a negligible recordkeeping cost for broker form retention indistinguishable from overall broker activities. Estimated operations and maintenance costs total \$77,500 for activities covered by this ICR.

#### 6(c) ESTIMATING AGENCY BURDEN AND COST

The Imports program is administered by EPA's Outreach & Planning Group (OPG). Four Full Time Equivalent employees and three Senior Environmental Employment Program employees are allocated to all Imports activities, at an estimated total agency cost of \$630,000 per year, including 110% overhead.

#### 6(d) REASONS FOR CHANGE IN BURDEN

No change in burden resulted from clarifying requirements and the types of engines to be declared on the form.

#### 6(e) BURDEN STATEMENT

Public reporting burden for this collection is estimated to average 30 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OEI Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., N.W., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.